STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION

ANGUS S. KING, JR.
GOVERNOR

MEMORANDUM

EDWARD O. SULLIVAN
COMMISSIONER

TO: Board of Environmental Protection
FROM: David H. Ladd, Land Resource Regulation
DATE: August 27, 1997 (Tabled From August 13, 1997, Board Meeting)
RE: ADMINISTRATIVE CONSENT AGREEMENT for AT&T, Michels and CMP

****

Statutory and Regulatory Reference: The Natural Resources Protection Act ("NRPA"), 38 M.R.S.A. Section 480-C, prohibits the disturbance and alteration of freshwater wetlands, rivers, streams and brooks without first obtaining a permit from the Department, or in violation of a permit or notification. The Protection and Improvement of Waters Act, 38 M.R.S.A. Section 413, states, in pertinent part, that no person shall directly or indirectly cause soil material to be discharged into waters of the State.

Location: Along CMP's Right-of-Way from Portland to Winterport

Description: On April 14, 1994, AT&T submitted a wetland report which outlined the route for the installation of the fiber optic cable and provided an overview on construction techniques. This report contains descriptions of installation techniques & mitigation measures designed to protect the functional values of protected natural resource areas.

On January 12, 1996 AT&T submitted a Permit by Rule Notification Form ("PBR") with the above mentioned wetlands report for entire route from Portland to Winterport. On January 16, 1996, the PBR was approved by the DEP.

On August 1, 1996, the Department received a complaint from the Town of Searsmont regarding activities associated with AT&T's fiber optic cable installation. A second complaint was received on August 8, 1996. DEP staff contacted AT&T on or about August 12, 1996 to inform them of the complaints. On August 22, 1996, AT&T representatives and DEP staff met to discuss permitting & construction techniques. This meeting was followed by a site inspection to three separate locations in Searsmont.

During the site inspections, staff advised AT&T representatives that this construction was not in compliance with Department Regulations and the potential for environmental impacts were acute due to the amount of disturbed soils, slope and the lack of erosion controls such as diversion berms and natural buffer strips. During this inspection, no discharges to waters of the state were observed due to the lack of precipitation following construction. AT&T representatives were issued a verbal warning to bring the project into compliance with Department Regulations prior to subsequent inspections.

AUGUSTA
17 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0017
(207) 287-7688
RAY BLDG., HOSPITAL ST.

BANGOR
106 HOGAN ROAD
BANGOR, MAINE 04401
(207) 941-4570 FAX: (207) 941-4584

PORTLAND
312 CANCO ROAD
PORTLAND, MAINE 04103
(207) 822-6300 FAX: (207) 822-6303

PRESQUE ISLE
1235 CENTRAL DRIVE, SKYWAY PARK
PRESQUE ISLE, MAINE 04769-2094
(207) 764-0477 FAX: (207) 764-1507

web site: www.state.me.us/dep

On September 19, 1996, a subsequent inspection in Searsmont with AT&T and CMP representatives revealed violations at each of the 3 sites previously inspected sites and one additional site. Staff followed this inspection with a written notice of violation which outlined remedial actions. A subsequent inspection on October 1, 1997, revealed that corrective measures had been implemented on 3 of the 4 sites. However, an inspection on October 8, 1996, in Liberty revealed that streams had been crossed repeatedly via unimproved stream crossings. These activities caused excessive soil disturbance on the stream banks and discharges of soil materials into the streams.

As a result of the October 8, 1997, inspection the Department requested that AT&T voluntarily cease cable installation operations and focus on restoring all stream crossings so that they meet Department Regulations. AT&T agreed to this request and worked for approximately 3 days restoring crossings and installing erosion and sediment controls.

October 12, 1997, Department staff flew a portion of the right-of-way from Monroe to Greene in a fixed-wing aircraft. Staff observed 30 unimproved stream crossings and 6 substantial wetland crossings which were not in compliance with Department Regulations. These observations prompted the Department to conduct an intensive survey of stream and wetland crossings associated with AT&T's installation of the fiber optic cable.

Additional inspections were conducted with the cooperation of AT&T and its contractors on: November 6, 12, 19 and 21, 1996, and December 5, 6 and 11, 1996. Staff inspected 97 unimproved stream crossings and 17 freshwater wetland crossings associated with the fiber optic cable installation. During that time, staff was in constant communication with AT&T as to the status of the inspections and required remedial actions. AT&T and its contractors worked until late December 1996 restoring stream and wetland crossings. By the end of December 1996, the majority of the violations had been stabilized for the winter.

On May 21, 1997, staff met with AT&T and Michels representatives in Chelsea to review specific restoration requirements. Seeding and stabilization of all crossings was completed by July 19, 1997. On or about August 26, 1997, staff and AT&T representatives are scheduled to conduct an aerial survey of the entire project along CMP's right-of-way to evaluate the success of the restoration efforts. An October flight is also scheduled to inspect those areas which are deemed unacceptable as of the August inspection. Restoration efforts will continue if necessary, until May/June 1998. Once an area adjacent to a crossing exhibits 90% vegetative cover it is deemed restored.

Environmental Issues: Four sites had substantial environmental impacts due to resource sensitivity, duration or size of the violation. Bartlett Stream, Doliff Pond outlet stream and Stearns Brook, are located in Searsmont and a Beaver flowage/stream alteration in Washington, Maine are outlined as follows:

Bartlett Stream was in non-compliance for approximately 30 days after AT&T was notified of violations. Discharge and some sedimentation was observed as a result of inadequate erosion control measures or improper construction techniques. This stream flows into Quantabacook Lake which has been identified by the Department as a threatened watershed.

Doliff Pond outlet stream had a major vehicle staging area constructed south west of the unimproved stream crossing. Runoff from this staging area flowed down an access road directly into the stream. This staging area and crossing were used from July until late September 1996. This crossing was the only point of access for several miles on the transmission line, and was crossed numerous times per day for approximately 40-50 days. This crossing was in non-compliance for approximately 30 days after AT&T was notified. This stream also flows into Quantabacook Lake. Excessive siltation was observed for approximately 3/4 of a mile down stream creating a silt plume greater than 1 acre in Quantabacook Lake. Sedimentation was evident from the crossing to the lake. Key issues for this threatened watershed: duration, size, area sensitivity & neglect. .

Stearns Brook had 4 unimproved crossings in non-compliance for approximately 45-50 days after AT&T was notified. The channel was crossed in multiple locations causing excessive bank erosion, siltation and localized sedimentation. Stearns Brook had additional impacts after the conduit was installed when machinery recrossed the brook to "pull" the fiber optic cable and was still not in compliance as of 11/21/96. Sterns Brook flows into the St. George River, a Class AA river.

A Beaver flowage/stream alteration in Washington had approximately 90 feet of stream alteration caused by machinery, filling and soil disturbance activities were observed in & directly adjacent to the stream. Localized sedimentation was observed in the stream bed along and below the stream alteration. This site was in non-compliance for approximately 7-8 weeks after AT&T was notified of violations associated with the installation of the fiber optic cable.

Discharging soil materials into a river, stream or brook has potentially detrimental effects on the aquatic life of that system. When present in the water, suspended soil materials may physically damage the gills of fish and other aquatic species interfering with breathing, feeding, and other life-supporting functions. The sedimentation caused by introduced soil also destroys bottom habitat critical for some fish species and the invertebrates on which they feed. Discharging soil materials into a great ponds via streams adds nutrients such as phosphorus to these systems which may off set the delicate chemical balance which could lead to algae blooms. These blooms rob the lake systems of oxygen in the lower depths of the lake and essentially eliminate cold water habitat necessary for the survival cold water fish species.

Department Recommendation: The Board reviewed this Agreement at its meeting on August 13, 1997, and voted to table the matter so there could be further consideration of the settlement terms. The Department recommends approval of this Consent Agreement and Enforcement Order requiring restoration of all stream and wetland crossings and a monetary penalty of Two Hundred Twenty Thousand Dollars ($220,000.00), which has been paid. All crossings have been seeded, stabilized and proper erosion control measures have been installed. Restoration is complete once an area adjacent to a crossing exhibits 90% vegetative cover.

STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION
STATE HOUSE STATION 17 AUGUSTA, MAINE 04333

BOARD ORDER

IN THE MATTER OF

AT&T Communications of New England, Inc. 1200 Peachtree Street, Prom Annex Atlanta, Georgia 30309	) ADMINISTRATIVE)) CONSENT
and	)) AGREEMENT
Central Maine Power Company Edison Drive Augusta, Maine 04330	)) AND)) ENFORCEMENT
and	)) ORDER
Michels Pipeline Construction, Inc. 817 West Street P.O. Box 128 Brownsville, WI 53006	)) (NRPA))))

This Agreement by and among AT&T Communications of New England, Inc., ("AT&T"), Central Maine Power Company ("CMP"), Michels Pipeline Construction, Inc., ("Michels"), the Maine Board of Environmental Protection ("the Board") and the State of Maine Attorney General is entered into pursuant to 38 M.R.S.A. § 347-A and in accordance with the Department of Environmental Protection ("the Department") Consent Agreement Policy, as amended.

The parties agree as follows:

1. AT&T is a corporation which is organized and exists under the laws of New York and which maintains a corporate office in Basking Ridge, New Jersey. AT&T is authorized to do business in Maine. Its business functions include the installation and maintenance of fiber optic transmission lines among other things.

2. CMP is a corporation which is organized and exists under the laws of Maine and which maintains a corporate office in Augusta, Maine.

3A. CMP maintains and operates a transmission line right-of-way approximately 112 miles long. This right-of-way crosses in part through the following organized townships: Portland, Westbrook, Falmouth, Cumberland, North Yarmouth, Pownal, Durham, Auburn, Lewiston, Greene, Wales, Monmouth, West Gardiner, Farmingdale, Chelsea, Augusta, Whitefield, Windsor, Somerville, Washington, Liberty, Appleton, Searsmont, Morrill, Waldo, Swanville , Monroe and Frankfort.

This right-of-way runs from the Prides Corner substation in Westbrook to Winterport through the following sections: 167A-103, 103-166/167, 62-201, 201-212, 212-60, and 60-388.

3B. AT&T entered into a license agreement (License) with CMP and Maine Electric Power Company (collectively "Licensor") granting AT&T rights to install, construct, operate and maintain a communication transmission system, cable(s), associated equipment and structures (collectively "System") along the property of the Licensor and others. Under the terms and conditions set forth in the license, AT&T among other things, agreed to, at its sole cost and expense, secure and maintain in effect all federal, state and local and other permits, approvals or licenses required for construction, installation, operation, maintenance, modification, replacement, or removal of the System, including, without limitation, zoning, building, health, environmental (including the Natural Resources Protection Act) or communication permits and licenses.

4A. Michels is a corporation which is organized and exists under the laws of Wisconsin and which maintains a corporate office in Brownsville, Wisconsin. Michels is authorized to do work in the State of Maine; the company performs trench excavating and general earth work associated with the installation of pipelines. Michels is a contractor for AT&T.

4B. AT&T retained Michels to install and construct a subterranean fiber optic cable along the property of CMP and others. AT&T contracted with Michels to carry out these activities in accordance with all applicable federal, state and local laws and regulations.

5. The transmission line right-of-way described in Paragraph 3A above contains portions of numerous named and unnamed rivers, streams and brooks as defined by 38 M.R.S.A. § 480-B(9) and freshwater wetlands as defined by 38 M.R.S.A. § 480-B(4).

6. On January 12, 1996, AT&T submitted a Permit by Rule Notification Form to the Department pursuant to Chapter 305 §(9) of Department Regulations. AT&T proposed to install and maintain a subterranean fiber optic cable in an existing CMP right-of-way. By signing the Permit by Rule Notification Form, AT&T agreed to comply with all applicable standards as set forth in Chapter 305 §(9) of Department Regulations.

   A. Standard #2 of Chapter 305 §(9) of Department Regulations states: "Erosion of soil or fill material from disturbed areas into the resource must be prevented. Properly installed erosion control measures, such as staked hay bales and silt fence, are required to be in place before

the project begins. These erosion control measures must remain in place, functioning as intended, until the project area is permanently stabilized with mulch and seed."

B. Standard #8 of Chapter 305 §(9) of Department Regulations states: "Road surfaces shall be constructed in a manner to prevent erosion of material into the river, stream or brook."

C. Standard #9 of Chapter 305 §(9) of Department Regulations states in pertinent part: "Surface water on or adjacent to crossing approaches shall be diverted through vegetative filter areas at least 25 feet long to avoid sedimentation of the watercourse."

D. Standard #10 of Chapter 305 §(9) of Department Regulations states: "Stream fords shall be lined with clean or washed stone, gabion blankets or geotextile material for erosion control when the natural stream bed does not consist of ledge or rock."

E. Standard #13 of Chapter 305 §(9) of Department Regulations states in pertinent part: "No wheeled or tracked equipment shall be operated in the water. Equipment may cross streams on rock, gravel or ledge bottom;"

7. In August 1996, the Department received complaints that AT&T and its contractors had caused siltation to Bartlett Stream and several unnamed streams and freshwater wetlands in the Town of Searsmont. Upon receiving this complaint, Department staff contacted AT&T representatives to request a meeting.

On August 22, 1996, Department staff and AT&T representatives met and discussed permitting requirements and construction techniques for crossing streams and freshwater wetlands. This meeting was followed by a site inspection at four different locations in Searsmont.

8. On August 22, 1996, an initial inspection of the Searsmont portion of the right-of-way described in Paragraph 3 above revealed that:

A. At Bartlett Stream, between transmission line support poles ("pole(s)") 187 and 188 and survey stations ("station") 2203+90-2201+05, construction of the access road was such that soil material could be washed into the water. No diversions had been constructed to divert surface water through vegetative filter areas. Disturbed soils on the steep slopes adjacent to the stream were not stabilized to prevent soil material from washing into the stream.

B. At the Doliff Pond outlet stream, between poles 194 and 195 station 2162+38-2160+53, construction of the access road was such that soil material could be washed into the stream. No diversions had been constructed to divert surface water through vegetative filter areas.

No measures were taken to properly construct a stream ford or other acceptable stabilized crossing and wheeled or tracked vehicles had been crossing the stream and operating in the water. The stream was crossed many times on soft stream bottom such that soil material was discharged into the water. Wheeled or tracked vehicles destabilized the stream banks and caused soil material to enter the water. Silt fence sedimentation barriers were not installed, were improperly installed or were not maintained and disturbed soils adjacent to the stream were not stabilized to prevent additional washing of soil material into the stream.

C. Four unnamed isolated shrub-scrub freshwater wetlands with an open water component of less than 20,000 square feet between poles 156 and 158 station 2398+25-2385+88 were crossed numerous times by heavy machinery. No stabilized crossings had been constructed. Water flows naturally across the transmission line right-of-way from a west northwesterly direction. This caused additional sedimentation from disturbed soils to wash into the wetlands on the east southeast side of the right-of-way. No measures were taken to prevent the erosion of soil material into these wetlands. Wheeled or tracked vehicles had been operating in the water causing soil material to visibly cloud the open water portion of these wetlands. Silt fence sedimentation barriers were not installed, were improperly installed or were not maintained and disturbed soils adjacent to the wetlands were not stabilized to prevent additional washing of soil material into the wetlands.

D. Between poles 154 and 155 station 2412+36-2404+30, the disturbed slopes and a portion of a freshwater wetland were not stabilized and restorative measures were required. An attempted wetland crossing by heavy equipment caused disturbed soil on the slopes and in the wetland. No discharges of soil material to the St. George River were evident.

E. During and following these site inspections, AT&T representatives were advised to immediately install proper erosion and sediment controls, to take all necessary actions to upgrade all stream and wetland crossings and to comply with Chapter 305 §(9) of Department Regulations.

9. On September 19, 1996, Department staff and AT&T representatives conducted a subsequent inspection of the Searsmont portion of the right-of-way described in Paragraph 3 above and found new or continuing problems as follows:

A. At Bartlett Stream, between poles 187 and 188 station 2203+90-2201+05, construction of the access road was such that soil material could be washed into Bartlett Stream.

No diversions had been constructed to divert surface water through vegetative filter areas. Lack of adequate erosion and sediment control measures allowed soil material to wash into Bartlett Stream. Additional construction and soil disturbance activities directly adjacent to both sides of the stream caused soil material to wash into the water. Machinery had disturbed approximately 2,500 square feet of soil in Bartlett Stream and along its west bank causing further discharges of soil material into the stream and into Quantabacook Lake.

B. At the Doliff Pond outlet stream, between poles 194 and 195 station 2162+38-2160+53, the use of the access road by heavy machinery disturbed soil within the access road such that soil material was washing into the stream.

The repeated use of heavy equipment caused the access road to erode below grade such that approximately 95 feet of the access road, contiguous with the stream, was under water. A vehicle staging area approximately 250 feet west southwest of the stream caused approximately 8,000 square feet of soil to be disturbed and without vegetation. These disturbed soils washed directly into the stream via the access road. No diversions had been constructed to divert surface water through vegetative filter areas. No measures were taken to properly construct a stream ford and wheeled or tracked vehicles were observed operating in the water. Wheeled or tracked vehicles destabilized the stream banks and caused large quantities of soil material to enter the water. Silt fence or other sedimentation barriers were not installed. Department staff followed the Doliff Pond outlet stream from these activities for approximately 3/4 mile downstream where it entered Quantabacook Lake. A silt plume greater than an acre in size was observed entering Quantabacook Lake and its associated flooded wetlands.

C. An unnamed stream, between poles 181 and 182 station 2239+79-2236+70, had been crossed via an unimproved stream crossing in two different locations. No measures were taken to properly construct a stream ford or other acceptable stabilized crossing. Wheeled or tracked vehicles caused soil material and debris to block the stream channel, creating a pond in the access road and the formation of a new stream channel. Both siltation and

sedimentation were observed downstream of this crossing. Erosion and sediment control measures were either not installed, improperly installed or unmaintained.

D. A second unimproved stream crossing was observed approximately 200 feet north of the crossing between poles 181 and 182 station 2239+79-2236+70 mentioned above. No measures were taken to properly construct a stream ford or other acceptable stabilized crossing. Wheeled or tracked vehicles operating in and adjacent to this stream caused soil material and debris to wash into the water.

E. At Stearns Brook, four unimproved stream crossings were observed between poles 161 and 162 station 2369+06-2362+00. The stream channel had been crossed in multiple locations by heavy equipment. No measures were taken to properly construct a stream ford or other acceptable stabilized crossing. Wheeled or tracked vehicles caused soil material and debris to block the stream channel, creating sheet flow over disturbed soils prior to reentering the defined channel. Both siltation and sedimentation were observed downstream of this crossing. Erosion and sediment control measures were not installed.

F. During these inspections, AT&T representatives were informed of required restorative actions for each site and again advised to place all necessary erosion and sediment control measures necessary to prevent soil discharges and comply with Chapter 305 §(9) of Department Regulations. Staff advised AT&T representatives of the serious nature of AT&T's failure to comply with Chapter 305 §(9) of Department Regulations. A written notice of violation was sent to AT&T on October 1, 1996.

10. On October 1, 1996, a subsequent inspection of the Searsmont portion of the right-of-way described in Paragraph 3 above revealed that:

A. At Bartlett Stream, between poles 187 and 188 station 2203+90-2201+05, the access road had been seeded and mulched, and staked hay bale barriers and silt fence were properly installed. Berms had been constructed to divert surface water through vegetative filter areas prior to entering the stream. A portion of the 2,500 square feet of soil in Bartlett Stream and along its west bank had been removed and the remaining portion was seeded and mulched.

B. At the Doliff Pond outlet stream, between poles 194 and 195 station 2162+38-2160+53, coarse gravel was installed in the access road on the western side of the stream. Diversions were constructed to prevent direct discharges into the stream from the access road and the vehicle staging area. A stream ford was constructed in compliance with all applicable standards as set forth in Chapter 305 §(9) of Department Regulations.

11. On October 8, 1996, during an inspection of the Liberty portion of the right-of-way described in Paragraph 3 above, three unimproved stream crossings were observed between poles 116, 117 and 118 station 2632+00-2620+00. The stream channels had been crossed repeatedly by heavy machinery. No measures had been taken to properly construct stream fords or other acceptable stabilized crossings and wheeled or tracked vehicles caused soil material to wash into the water. Both siltation and sedimentation were observed downstream of these crossings. Erosion and sediment control measures had not been installed to prevent further discharges of materials into the streams. However it was evident that AT&T's contractors were recently on site. Staff observed newly installed hay bale barriers in one of the streams on the northern edge of the right-of-way.

12. The October 8, 1996, inspection prompted the Department to request that AT&T voluntarily cease the remaining cable installation operations on the right-of-way described in Paragraph 3 above. The Department also requested that AT&T make use of all available personnel and equipment to restore all unimproved stream crossings and install erosion and sediment controls in compliance with Chapter 305 §(9) of Department Regulations.

    AT&T agreed to the Department's request and ceased cable installation operations for approximately three days to address remedial work associated with stream crossings and erosion and sediment controls.

13. On October 12, 1996, Department staff flew over a portion of the right-of-way described in Paragraph 3 above, from Monroe to Greene in a fixed-wing aircraft. During this flight, staff observed 30 unimproved stream crossings and 6 substantial wetland crossings that were not in compliance with all applicable standards as set forth in Chapter 305 §(9) of Department Regulations. Eleven of the 30 stream crossings had no erosion and sediment controls installed. The remaining 19 stream crossings had inadequate erosion and sediment controls to prevent discharges of soil material into the streams. Work crews were observed installing or maintaining erosion and sediment controls at two different locations.

14. On October 17, 1996, Department staff met with AT&T representatives to discuss findings from the staff's aerial survey described in Paragraph 13 above. Staff emphasized the need for additional restorative measures, and the maintenance of all erosion control measures associated with stream crossings and wetlands crossings.

15. Department staff conducted additional inspections of the right-of-way described in Paragraph 3 above as follows:

A. On November 6, 12, 19 and 21, 1996, and December 5, 6 and 11, 1996, staff inspected 97 unimproved stream crossings and 17 freshwater wetland crossings associated with the installation of AT&T's fiber optic cable.

B. At all of these crossings, staff observed soil disturbance on the slopes adjacent to the streams, banks of the streams or at the edge of the freshwater wetlands which caused or was causing soil material to wash into them.

C. Approximately 63 of the 97 unimproved stream crossings and 10 of the freshwater wetland crossings described in Paragraph 15(A) above that staff inspected were still not in compliance with all applicable standards as set forth in Chapter 305 §(9) of Department Regulations and had the potential for additional discharges to waters of the State. Thirty two of the stream crossings and seven of the freshwater wetland crossings had been recently restored and brought into compliance with Department Regulations as a result of AT&T's restoration efforts.

D. After the November and December inspections, AT&T representatives were notified of the need for further stabilization and erosion and sediment control measures necessary at specified locations. A listing of all crossings inspected by staff and found not in compliance is attached hereto and incorporated herein as Attachment A.

16. AT&T and its contractors worked until late December 1996 on the right-of-way described in Paragraph 3 above conducting restorative measures in and adjacent to streams and freshwater wetlands. By the end of December 1996, the majority of the violations had been stabilized with hay mulch and had adequate erosion and sedimentation controls in place for the winter.

17. By filing a Permit by Rule Notification Form and then not following Permit by Rule Standards, as described in Paragraphs 5 through 15 above and Attachment A, AT&T and Michels violated Chapter 305 of Department Regulations and the Natural Resources Protection Act, 38 M.R.S.A. § 480-C.

18. By causing the discharge of pollutants (namely, soil) to waters of the State without first obtaining a license from the Department, as described in Paragraphs 5 through 15 above and Attachment A, AT&T and Michels violated the Protection and Improvement of Waters Act, 38 M.R.S.A. § 413.

19. The Board has regulatory authority over the activities described herein.

20. This Agreement shall not become part of the official record unless and until it is accepted by the Board.

21. To resolve the violations described in Paragraphs 8, 9, 11, 13, 15, 17 and 18 above and Attachment A, AT&T and Michels agree to:

A. By May 28, 1997, conduct an aerial survey of the right-of-way described in Paragraph 3 above, accompanied by Department staff, to determine the level of compliance with Chapter 305 of Department regulations for all stream and freshwater wetland crossings and the need for any additional restorative measures.

B. By July 19, 1997, take all necessary measures to stabilize all stream and freshwater wetland crossings. Seed or reseed all areas adjacent to all streams and freshwater wetlands where soils do not exhibit a 90% vegetative cover. The following conservation seed mixtures are acceptable: mixture 1-Reed canary grass at a rate of 15 pounds per acre, Redtop at a rate of 5 pounds per acre, Birdsfoot trefoil at a rate of 8 pounds per acre, Crownvetch at a rate of 15 pounds per acre, and Tall fescue at a rate of 20 pounds per acre for a total application rate of 63 pounds per acre; mixture 2-Meadow fescue at a rate of 5 pounds per acre, Switchgrass at a rate of 6.5 pounds per acre, Little bluestem at a rate of 5.5 pounds per acre, Birdsfoot trefoil at a rate of 6 pounds per acre, Redtop at a rate of 8.5 pounds per acre, Perennial ryegrass at a rate of 4 pounds per acre, Annual ryegrass at a rate of 3.5 pounds per acre for a total application rate of 39 pounds per acre. Seed all disturbed soils within 100 feet of all freshwater wetlands and all streams that exhibit less than a 15% slope adjacent to the streams. Seed all disturbed soils within 200 feet of streams that exhibit greater than a 15% slope adjacent to the streams. Maintain all erosion and sediment controls to ensure that they are functioning as intended and to ensure that no additional soil material washes into the protected natural resource.

C. By August 30, 1997, survey the entire right-of-way described in Paragraph 3 above, to determine compliance with Chapter 305 of Department regulations and the need for any additional restorative measures. In areas adjacent to protected natural resources where soils exhibit a 90% vegetative cover remove all silt fence barriers. In areas adjacent to protected natural resources where soils do not exhibit a 90% vegetative cover, immediately reseed at the prescribed rate with either conservation seed mixture as described in Paragraph 21(B) above.

D. By October 1, 1997, survey those areas which did not meet Department regulations as determined by the August 30, 1997, survey. In areas adjacent to protected natural resources where soils do not exhibit a 90% vegetative cover, immediately reseed with Winter rye at a rate of 55 pounds per acre.

E. By May 20, 1998, survey those areas which did not meet Department regulations as determined by the August 30, 1997, survey. In areas adjacent to protected natural resources where soils do not exhibit a 90% vegetative cover, immediately reseed at the prescribed rate with either conservation seed mixture as described in Paragraph 21(B) above.

22. To resolve the violations described in Paragraphs 8, 9, 11, 13, 15, 17 and 18 above and Attachment A, AT&T and Michels agree to pay the Treasurer, State of Maine, upon signing this Agreement, the sum of Two Hundred Twenty Thousand Dollars ($220,000.00)

23. The Board and the State of Maine Attorney General grant AT&T and Michels a release of their causes of action against AT&T and Michels for the specific violations listed in Paragraphs 8, 9, 11, 13, 15, 17 and 18 above on the express condition that all actions listed in Paragraph 21 and 22, as applicable, above are completed in accordance with the express terms and conditions of this Agreement. The release shall not become effective unless and until these conditions are satisfied.

24. The agreements, statements, stipulations, and actions recited herein are made solely for the purpose of settling this matter amicably and to avoid the expense, delay and uncertainty associated with litigation. The State of Maine, AT&T, and Michels agree that this Administrative Consent Agreement has been negotiated by the parties in good faith, that settlement of this matter will avoid prolonged and complicated litigation between the parties, and that this Administrative Consent Agreement is fair, reasonable and in the public interest. No person not a party to this Agreement shall have the right to enforce or benefit from the agreements, statements, stipulations, and actions for any purpose. In addition, except for the enforcement proceedings referenced above, or in a subsequent action by the Department pursuant to Title 38 M.S.R.A. § 349, the entry by AT&T and Michels into this Administrative Consent Agreement shall not constitute any admission of fact or liability.

AT&T Communications of New England, Inc. Central Maine Power Co. Michels Pipeline Construction, Inc. LA960153, LA960157, LA960253	11)))	ADMINISTRATIVE CONSENT AGREEMENT AND ENFORCEMENT ORDER (NRPA)

ORDER

Pursuant to 38 M.R.S.A. § 347-A and the Department Consent Agreement Policy, as amended, and based on the Agreement set forth above, the Board orders AT&T to:

1. By May 28, 1997, conduct an aerial survey of the right-of-way described in Paragraph 3 above, accompanied by Department staff, to determine compliance with Chapter 305 of Department regulations and the Natural Resources Protection Act 38 M.R.S.A. § 480-C for all stream and freshwater wetland crossings and the need for any additional restorative measures.

2. By July 19, 1997, take all necessary measures to stabilize all stream and freshwater wetland crossings. Seed or reseed all areas adjacent to all streams and freshwater wetlands where soils do not exhibit a 90% vegetative cover. The following conservation seed mixtures are acceptable: mixture 1-Reed canary grass at a rate of 15 pounds per acre, Redtop at a rate of 5 pounds per acre, Birdsfoot trefoil at a rate of 8 pounds per acre, Crownvetch at a rate of 15 pounds per acre, and Tall fescue at a rate of 20 pounds per acre for a total application rate of 63 pounds per acre; mixture 2-Meadow fescue at a rate of 5 pounds per acre, Switchgrass at a rate of 6.5 pounds per acre, Little bluestem at a rate of 5.5 pounds per acre, Birdsfoot trefoil at a rate of 6 pounds per acre, Redtop at a rate of 8.5 pounds per acre, Perennial ryegrass at a rate of 4 pounds per acre, Annual ryegrass at a rate of 3.5 pounds per acre for a total application rate of 39 pounds per acre. Seed all disturbed soils within 100 feet of all freshwater wetlands and all streams that exhibit less than a 15% slope adjacent to the streams. Seed all disturbed soils within 200 feet of streams that exhibit greater than a 15% slope adjacent to the streams. Maintain all erosion and sediment controls to ensure that they are functioning as intended and to ensure that no additional soil material washes into the protected natural resource.

3. By August 30, 1997, survey the entire right-of-way described in Paragraph 3 above, to determine compliance with Chapter 305 of Department regulations and the need for any additional restorative measures. Remove all silt fence barriers in areas adjacent to protected natural resources where soils exhibit a 90% vegetative cover. In areas adjacent to protected natural resources where soils do not exhibit a 90% vegetative cover immediately reseed with the same seed mixture and rate as described in Paragraph 21(B) above.

4. By October 1, 1997, survey those areas which did not meet Department regulations as determined by the August 30, 1997, survey. In areas adjacent to protected natural resources where soils do not exhibit a 90% vegetative cover, immediately reseed with Winter rye at a rate of 55 pounds per acre.

5. By May 20, 1998, survey those areas which did not meet Department regulations as determined by the August 30, 1997, survey. In areas adjacent to protected natural resources where soils do not exhibit a 90% vegetative cover, immediately reseed with the same seed mixture and rate as described in Paragraph 21(B) above.

AT&T Communications of New England, Inc. Central Maine Power Co. Michels Pipeline Construction, Inc. LA960153, LA960157, LA960253	13)))	ADMINISTRATIVE CONSENT AGREEMENT AND ENFORCEMENT ORDER (NRPA)

THE UNDERSIGNED PARTIES enter into this Administrative Consent Agreement And Enforcement Order (NRPA) consisting of 16 pages.

FOR AT&T COMMUNICATIONS
OF NEW ENGLAND, INC.

Date: 7/23/97

Ellie Watson

ELLIE WATSON, District Manager
AT&T Communications
of New England, Inc.
1200 Peachtree Street, NE
Atlanta, Georgia 30309

AT&T Communications of New England, Inc. Central Maine Power Co. Michels Pipeline Construction, Inc. LA960153, LA960157, LA960253	14)))	ADMINISTRATIVE CONSENT AGREEMENT AND ENFORCEMENT ORDER (NRPA)

THE UNDERSIGNED PARTIES enter into this Administrative Consent Agreement And Enforcement Order (NRPA) consisting of 16 pages.

FOR CENTRAL MAINE POWER COMPANY

Date: 7-23-97

GERALD POULIN, Vice President of
Generation & Technical Support
Central Maine Power Company
Edison Drive
Augusta, Maine 04336

AT&T Communications of New England, Inc.	15	ADMINISTRATIVE
Central Maine Power Co.	)	CONSENT AGREEMENT
Michels Pipeline Construction, Inc.	)	AND ENFORCEMENT
LA960153, LA960157, LA960253	)	ORDER (NRPA)

THE UNDERSIGNED PARTIES enter into this Administrative Consent Agreement And Enforcement Order (NRPA) consisting of 16 pages.

FOR MICHELS PIPELINE CONSTRUCTION, INC.

Date: 7/22/97

PATRICK MICHELS, Vice President
Michels Pipeline Construction, Inc
P.O. Box 128
817 West Main Street
Brownsville, Wisconsin 53006

AT&T Communications of New England, Inc.) 16 ADMINISTRATIVE
Central Maine Power Co.) CONSENT AGREEMENT
Michels Pipeline Construction, Inc.) AND ENFORCEMENT
LA960153, LA960157, LA960253) ORDER (NRPA)

THE UNDERSIGNED PARTIES enter into this Administrative Consent Agreement And Enforcement Order (NRPA) consisting of 16 pages.

FOR THE BOARD OF ENVIRONMENTAL PROTECTION:

Date: 12/8/97

OSMOND C. BONSEY, CHAIRMAN
Board of Environmental Protection
c/o Maine Department of
Environmental Protection
17 State House Station
Augusta, Maine 04333-0017

FOR THE STATE OF MAINE
DEPARTMENT OF ATTORNEY GENERAL

Date: Oct. 15, 1997

MARGARET B. McCLOSKEY
JON H. EDWARDS,
Assistant Attorneys General
6 State House Station
Augusta, Maine 04333-0006

Attachment A

The following is a list of stream crossings and areas observed to be in violation of the Natural Resources Protection Act ("NRPA") and Chapter 305 of Department Regulations within the CMP right-of-way described in Paragraph 3 of the attached Administrative Consent Agreement and Enforcement Order. These violations were observed on the following dates in 1996: October 8, 12, November 6, 12, 19, and 21, and December 5, 6, and 11. For ease in reference, this list describes areas by Townships from a southerly to northerly direction along the path of the cable installation. The locations are identified by survey station numbers ("Sta.") and transmission line support poles ("P"). This list identifies stream and wetland crossings which violated the NRPA and other areas which were in non-compliance; the required restorative measures are also described.

Falmouth

Sta. 6589+89-6585+57, P. 181, 182: Tracked or wheeled vehicles destabilized slopes and banks causing soil material and debris to enter the stream. No measures were taken to properly construct a stream ford or other acceptable stabilized crossing. No sediment barriers were in place to prevent soil material from directly washing into the stream. Restoration: stabilize and/or redefine the stream channel, install necessary erosion and sediment control measures including but not limited to diversion berms, staked hay bale barriers and silt fence, (hereinafter referred to as "erosion and sediment control measures"), and stabilize with mulch & seed, with the specified conservation seed mixture & rate as outlined in the attached Administrative Consent Agreement and Enforcement Order, Paragraph 21(B), (hereinafter referred to as "vegetative stabilization measures").

Sta. 6619+21-6617+68, P. 188, 189: Tracked or wheeled vehicles destabilized slopes and banks causing soil material and debris to enter the stream. No measures were taken to properly construct a stream ford or other acceptable stabilized crossing. No sediment barriers were in place to prevent soil material from directly washing into the stream. Restoration: stabilize and/or redefine the stream channel, install erosion and sediment control measures and vegetative stabilization measures.

Sta. 6621+25-6621+00, P. 189, 190: Tracked or wheeled vehicles destabilized slopes and banks causing soil material and debris to enter stream. No measures were taken to properly construct a stream ford or other acceptable stabilized crossing. No sediment barriers were in place to prevent soil material from directly washing into stream. Restoration: stabilize and/or redefine the stream channel, install erosion and sediment control measures and vegetative stabilization measures.

Cumberland

Mill Brook-West Route 302, P. 111, 110: Sediment barriers were placed in the stream channel. Restoration: remove silt fence from the stream channel, install erosion and sediment control measures and vegetative stabilization measures.

Chelsea

Sta 3568+16, P. 52, 51: Tracked or wheeled vehicles destabilized slopes and banks causing soil material and debris to enter the stream. No measures were taken to properly construct a stream ford or other acceptable stabilized stream crossing. No sediment barriers were in place to prevent soil material from directly washing into the stream. Restoration: stabilize and/or redefine stream channel, install erosion and sediment control measures and vegetative stabilization measures.

Sta. 3608+75-3605+40, P. 60, 59: No diversions were constructed to divert surface water through a vegetated buffer. Restoration: install erosion and sediment control measures and vegetative stabilization measures.

Sta. 3720+00, P. 81, 80: Tracked or wheeled vehicles destabilized slopes and banks causing soil material and debris to enter the stream. No measures were taken to properly construct a stream ford or other acceptable stabilized stream crossing. No sediment barriers were in place to prevent soil material from directly washing into the stream. Restoration: stabilize and/or redefine stream channel, install erosion and sediment control measures and vegetative stabilization measures.

Sta. 3725+00, P. 82, 81: Tracked or wheeled vehicles destabilized slopes and banks causing soil material and debris to enter the stream. No measures were taken to properly construct a stream ford or other acceptable stabilized stream crossing. No sediment barriers were in place to prevent soil material from directly washing into the stream. Restoration: remove fill dumped in the stream, stabilize and/or redefine the stream channel, install erosion and sediment control measures and vegetative stabilization measures.

Windsor

Sta. 3130+95-3128+55, P. 31, 32: No sediment barriers were in place to prevent soil material from directly washing into the stream. Restoration: install erosion and sediment control measures and vegetative stabilization measures.

Sta. 3162+52-3157+80, P. 26, 27: No diversions were constructed to divert surface water through a vegetated buffer. Restoration: install erosion and sediment control measures and vegetative stabilization measures.

Sta. 3162+82-3182+80, P. 22, 23, 24, 25, 26, 27: Tracked or wheeled vehicles destabilized slopes and banks causing soil material and debris to enter the stream. No measures were taken to properly construct a stream ford or other acceptable stabilized stream crossing. No sediment barriers were in place to prevent soil material from directly washing into the stream. Restoration: stabilize and/or redefine stream channel, install erosion and sediment control measures and vegetative stabilization measures.

Sta. 3183+30-3185+17, P. 21, 22, 23: Stream channel blocked from tracked or wheeled vehicles operating in the stream causing ponded water. No measures were taken to properly construct a

stream ford or other acceptable stabilized stream crossing. No sediment barriers were in place to prevent soil material from directly washing into the stream. Restoration: stabilize and redefine stream channel, install erosion and sediment control measures and vegetative stabilization measures.

Sta. 3196+79-3190+80, P. 19: No sediment barriers were in place to prevent soil material from directly washing into the stream. Restoration: install erosion and sediment control measures and vegetative stabilization measures.

Sta. 3215+00-3222+80, P. 15: Tracked or wheeled vehicles destabilized slopes and banks causing soil material and debris to enter the stream. No measures were taken to properly construct a stream ford or other acceptable stabilized stream crossing. No sediment barriers were in place to prevent soil material from directly washing into the stream. Restoration: stabilize and/or redefine stream channel, install erosion and sediment control measures and vegetative stabilization measures.

Sta. 3245+72, P. 10, 11: No sediment barriers were in place to prevent soil material from directly washing into stream. Restoration: install erosion and sediment control measures and vegetative stabilization measures.

Sta. 3254+51-3255+88, P. 8, 9, 10: Tracked or wheeled vehicles destabilized slopes and banks causing soil material and debris to enter the stream. No measures were taken to properly construct a stream ford or other acceptable stabilized stream crossing. No sediment barriers were in place to prevent soil material from directly washing into the stream. Restoration: stabilize and/or redefine stream channel, install erosion and sediment control measures and vegetative stabilization measures.

Sta. 3258+62-3259+85, P. 8, 9: No diversions were constructed to divert surface water through a vegetated buffer. Restoration: install erosion and sediment control measures and vegetative stabilization measures.

Sta 3275-3273, P 420, 421: Stream channel blocked from tracked or wheeled vehicles operating in the stream causing ponded water. No measures were taken to properly construct a stream ford or other acceptable stabilized stream crossing. No sediment barriers were in place to prevent soil material from directly washing into the stream. Restoration: stabilize and/or redefine stream channel, install erosion and sediment control measures and vegetative stabilization measures.

Sta. 3327+00-3338+50, P. 8, 7, 6: Sediment barriers were placed in the stream channel. Restoration: remove sediment barriers from stream channel, install erosion and sediment control measures and vegetative stabilization measures.

Sta. 3341+00, P. 9, 8: Tracked or wheeled vehicles destabilized slopes and banks causing soil material and debris to enter the stream. No measures were taken to properly construct a stream ford or other acceptable stabilized stream crossing. No sediment barriers were in place to prevent

soil material from directly washing into the stream. Restoration: stabilize and/or redefine stream channel, install erosion and sediment control measures and vegetative stabilization measures.

Sta. 3351+00, P. 11, 10: No sediment barriers were in place to prevent soil material from directly washing into the stream. Restoration: install erosion and sediment control measures and vegetative stabilization measures.

Sta. 3355+00, P. 12, 11: Tracked or wheeled vehicles destabilized slopes and banks causing soil material and debris to enter the stream. No measures were taken to properly construct a stream ford or other acceptable stabilized stream crossing. No sediment barriers were in place to prevent soil material from directly washing into the stream. Restoration: stabilize and/or redefine stream channel, install erosion and sediment control measures and vegetative stabilization measures.

Somerville

Sta. 2958+40, P. 61: No sediment barriers were in place to prevent soil material from directly washing into the stream. Restoration: install erosion and sediment control measures and vegetative stabilization measures.

Sta. 2972+80, P. 58, 59: No diversions were constructed to divert surface water through a vegetated buffer. Restoration: install erosion and sediment control measures and vegetative stabilization measures.

Sta. 3001+00, P. 54: Wetland with an intermittent stream. Approximately 75 linear feet of stream channel was altered. Tracked or wheeled vehicles destabilized slopes and banks causing soil material and debris to enter the stream. No measures were taken to properly construct a stream ford or other acceptable stabilized stream crossing. No sediment barriers were in place to prevent soil material from directly washing into the stream. Restoration: stabilize and/or redefine stream channel, install erosion and sediment control measures and vegetative stabilization measures.

Sta. 3005+50, P. 53, 54: Tracked or wheeled vehicles destabilized slopes and banks causing soil material and debris to enter the stream. No measures were taken to properly construct a stream ford or other acceptable stream crossing. No sediment barriers were in place to prevent soil material from directly washing into the stream. Restoration: stabilize and/or redefine stream channel, install erosion and sediment control measures and vegetative stabilization measures.

Sta. 3086+64-3080+95, P. 39, 40: Tracked or wheeled vehicles destabilized slopes and banks causing soil material and debris to enter the stream. No measures were taken to properly construct a stream ford or other acceptable stabilized stream crossing. No sediment barriers were in place to prevent soil material from directly washing into the stream. Restoration: stabilize and/or redefine stream channel, install erosion and sediment control measures and vegetative stabilization measures.